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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-022

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

4. Adequacy of References to Related Statutes, Rules and Forms

The department should review the references in the analysis accompanying the rule with respect to the following comments:

a. The list of statutes that authorize promulgation of the rule include ss. 1.11 and 196.491, Stats. Neither of these sections authorize rule making by the department and thus should not be included in this list.

b. If the department is repealing existing rules because it has determined that they are no longer necessary to effectuate the purpose of the statutes being interpreted, then the statute authorizing the rule making should be listed as s. 227.11 (2) (a), Stats., as other provisions in s. 227.11 do not relate to this type of rule making.

c. In the list of statutes being interpreted by the rule making, the reference to s. 196.491, Stats., is broad, especially since most of s. 196.491 is administered by the Public Service Commission. This reference should be replaced by the more specific reference to s. 196.491 (3) (a) 3.

d. Since ch. NR 170 presently implements both ss. 30.025 and 196.491, Stats., the list of statutes being interpreted by this rule making should include s. 30.025, Stats.